



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.


United States Bankruptcy Judge

Signed October 19, 2010

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

RICKY DEAN BLAKE
4126 LENORE DR.
WICHITA FALLS, TX 76306
SSN:XXX-XX-4054

DEBTOR

§ CASE NO. 09-70431-HDH
§ CHAPTER 13
§
§
§
§ HEARING DATE: OCTOBER 20, 2010
§
§ HEARING TIME:10:00 a.m.
§
§

AGREED ORDER CONDITIONING AUTOMATIC STAY

On September 17, 2010 a Motion for Relief from Automatic Stay ("Motion") was filed by BAC Home Loans Servicing, L. P. fka Countrywide Home Loans Servicing, L.P., hereinafter referred to as ("Movant) , a secured creditor in the above-entitled and numbered cause. The Court, having considered said Motions, any and all responses filed thereto, and the agreement of counsel, is of the opinion that the following Agreed Order should be entered.

It is therefore, ORDERED, ADJUDGED, AND DECREED that:

1. The Automatic Stay provided by 1 U.S.C., Section 362 shall remain in effect on the collateral, as provided herein.

2. **Arrearages:** Debtor shall Amend the Chapter 13 Plan to pay the arrearages, for months April 2010 through October 2010, in the amount of \$1,121.47 per month for a total of \$7,850.29 and regular monthly payments beginning November 1, 2010 to Movant.

7 PAYMENTS @ \$1,121.47 4/10-1010 \$7,850.29

That an additional payment of \$1,121.47 shall become due on 11/01/2010

Further, Debtor has thirty (30) days to show proof of payments and amount of payments.

3. **Post Petition payments:** Debtor shall pay, or otherwise provide to keep current, all future post-petition payments to Trustee until all sums have been duly paid.

4. **Attorneys' Fees:** Debtor shall provide to pay \$650.00 through the Plan to be paid as administrative priority claim to Movant, of which \$500.00 is reimbursement for attorneys' fees, and \$150.00 is reimbursement for filing fees.

5. **Effect of Non-sufficient Funds:** Debtor's tendering of a check which is subsequently returned due to non-sufficient funds in the account upon which the check is drawn shall not constitute a payment as required by the terms of this Order.

6. **Default:** In the event Debtor defaults under Paragraph 2 and/or does not remit the payments set forth in Paragraphs 3 above, Movant shall send written notice by certified mail, return receipt requested, postage prepaid, to Debtor and Debtor's Counsel and allow Debtor a **ten (10)** day period from Debtor's receipt of the notice, as shown on the return receipt "green card," to cure all defaults. Such cure shall be timely if payment is postmarked within the ten (10) day period. Provided, further, however, in the event Debtors become delinquent after two (2) notices of default, the automatic stay shall terminate as to the Movant and the collateral without further recourse to this

Court and Movant may take immediate possession of the Collateral described as

LOT NO. SEVEN (7) BOCK NO. EIGHT (8), LINCOLN HEIGHTS, SECTION TWO (2), AN ADDITION TO THE CITY OF WICHITA FALLS, WICHITA COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 8, PAGES 91, 91A AND 91B, WICHITA COUNTY PLAT RECORDS.

ALSO KNOWN AS 4126 LENORE DR., WICHITA FALLS, TX 76306

and foreclose its lien on the Collateral and obtain all writs and other court orders necessary to obtain possession of the collateral.

6. In the event debtor defaults and the automatic stay is terminated as set forth above, Debtor expressly agrees that Debtor cannot reinstate the automatic stay as to this collateral by filing a new petition.

###END###

AGREED AND APPROVED AS TO FORM AND CONTENT

/S/ REEDY MACQUE SPIGNER
REEDY MACQUE SPIGNER
ATTORNEY FOR MOVANT

/s/ MONTE J. WHITE (With Permission)
MONTE J. WHITE
ATTORNEY FOR DEBTOR

/s/ RICKEY DEAN BLAKE (With Permission)
RICKEY DEAN BLAKE - DEBTOR